IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1642 OF 2007

Abdul Azizi A. K. Shaikh. ..Petitioner.
Versus
The State of Maharashtra. ..Respondent.

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Mr.P.R.Dave, Adv. for the Petitioner.
Mrs.A.S.Pai, APP, for the State.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : OCTOBER 31, 2007.

P.C.:-

1. Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The impugned FIR is sought to be challenged on various grounds referring to the ingredients of various expressions used in Immoral Traffic (Prevention) Act, 1956, while contending that the FIR does not disclose all those ingredients. Upon hearing the learned APP and on perusal of the investigation material, we do not find any case for interference in this

matter at this stage. The FIR undoubtedly discloses certain activities which can be the cognizable offences under the said Act.

3. As *prima facie* the FIR discloses sufficient material to warrant investigation under the said Act, we do not find this to be a fit case for quashing of FIR, apart from the fact that subsequent investigation discloses *prima facie* case for prosecution of the petitioner. Petition, therefore, is rejected. It is made clear that all the observations made hereinabove are merely for the purpose of consideration of the Petition and the Magistrate or the investigating agency shall not get influenced by these observations in any manner.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]